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Summary record of the 371st meeting
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Chair: Ms. Degener

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Sudan (CRPD/C/SDN/1; CRPD/C/SDN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

2. **Mr. Agame** (Sudan), introducing his country's initial report (CRPD/C/SDN/1), said that his Government placed great importance on upholding the rights of persons with disabilities. Measures taken to implement the provisions of the Convention included the establishment of the National Council for Persons with Disabilities and the adoption of the Persons with Disabilities Act of 2017 and the Children's Act of 2010.

3. In line with a directive from the Council of Ministers, conferences involving the active participation of organizations of persons with disabilities and the National Council for Persons with Disabilities had been held to discuss how to incorporate disability issues into ministerial planning. They had concluded with a general conference, held in November 2016, which had issued recommendations to the Presidency of the Republic on how to commemorate the International Day of Persons with Disabilities on 3 December 2016. Furthermore, organizations of persons with disabilities had participated in the national dialogue committees with a view to securing peace and security and had drafted recommendations concerning the rights of persons with disabilities which had been incorporated in the Government's programme of work. Several other national conferences had also been organized in an effort to implement the 2030 Agenda for Sustainable Development and to meet the targets related to disability.

4. The Sudanese legal system provided protection for the rights of persons with disabilities. The Persons with Disabilities Act, which had entered into force on 24 February 2017, was fully consistent with the Convention and was the product of wide-ranging consultations with persons with disabilities, civil society groups and experts. Provisions of the Convention had also been incorporated into other laws: some 23 pieces of legislation had been identified for amendment, 12 of which had so far been brought into line with the Convention. A human rights model of disability was applied in all relevant policies and programmes.

5. A number of State entities were responsible for monitoring the implementation of the Convention, namely the Advisory Council on Human Rights, the National Human Rights Commission, the National Council for Child Welfare, and the Unit for Combating Violence against Women and Children. Several of the bodies had mechanisms that handled complaints of human rights violations from persons with disabilities and published recommendations on disability issues. The Constitutional Court also played a vital role in ensuring compliance with the provisions of the Convention and had issued several rulings upholding the rights of persons with disabilities.

6. Numerous workshops on accessibility had been organized for public officials with the aim of creating a barrier-free society for persons with disabilities, including through the provision of modern assistive and information and communication technologies. A number of training courses for health-care professionals on the physical rehabilitation of persons with disabilities had also been organized. As part of efforts to provide assistive technology to persons with disabilities at affordable prices, the 2016 Social Security Act had been amended to facilitate access to assistive devices under the national social security system. The National Authority for Prosthetics and Orthotics also supplied prosthetic limbs and mobility devices at cost price, while the Zakat Office of the Ministry of Welfare and Social Security provided free assistive devices to persons with disabilities who lacked the necessary financial means.

7. Action had been taken to strengthen the participation of persons with disabilities in national decision-making processes and political life. Persons with disabilities, particularly women with disabilities, had been encouraged to stand in the 2015 elections and several

had been elected. Other persons with disabilities had assumed high-ranking positions, including one who had been appointed head of a legislative council.

8. While numerous obstacles and sanctions had previously hampered the implementation of national human rights programmes and restricted Sudanese citizens' enjoyment of their human rights, the Government had since adopted strict measures aimed at protecting the rights of persons with disabilities, such as the early detection of disability, the compulsory vaccination of children and the confiscation of unauthorized weapons with the potential to cause injury. It would continue to redouble its efforts in that regard in order to promote and protect the human rights of persons with disabilities and uphold its commitments under the Convention.

9. **Mr. Babu** (Country Rapporteur) said that the Sudan had made some commendable initial efforts to bring national legislation into line with the provisions of the Convention. The recent adoption of the Persons with Disabilities Act of 2017 represented a welcome step forward, although it fell short in a number of areas. It appeared not to apply explicitly to persons with psychosocial disabilities, for instance, and it failed to prohibit discrimination based on disability. The establishment of the National Council for Disabilities was another laudable initiative, but there were reports that it lacked the resources required to fulfil its mandate effectively. Such shortcomings must be addressed urgently, and a broad review and revision of other laws and policies should be undertaken. Most notably, the Civil Transactions Act of 1984 should be updated in order to repeal provisions under which certain categories of persons with disabilities were deprived of legal capacity. The opinions and wishes of persons with disabilities and their representative organizations must be taken into account when making such amendments to national legislation.

10. The Government had made noteworthy efforts to design affirmative measures for women from disadvantaged backgrounds and women with disabilities in regard to the right to work and other civil, political, economic, social and cultural rights. However, the initiatives remained confined to paper and had not yet been implemented in practice. The opinions and interests of women and girls with disabilities had also been overlooked or inadequately addressed, either as part of general national human rights policies or under specific programmes directed at promoting women's rights in general.

11. A host of positive initiatives protecting children's rights had been launched, notably the establishment of the Office of the Prosecutor for Children, the setting up of family protection units in the police force, and the drafting of article 36 of the Children's Act of 2010 which prohibited the employment of children under 14 years, including children with disabilities. However, it was of great concern that the majority of the measures, particularly the provisions contained in the Children's Act, had never been implemented and that the needs of children with disabilities had been excluded from national programmes dedicated to children's rights in general. Acts of violence and abuse against children with disabilities had also not been adequately addressed. Article 29 (1) of the Children's Act prohibited "cruel penalties" in school, but did not explicitly prohibit corporal punishment. As a result, children with disabilities continued to be subjected to physical punishments in various settings, including the home, alternative care facilities, schools and penal institutions.

12. The State party should take steps to rectify the lack of disaggregated data on persons with disabilities at the earliest possible opportunity. The forthcoming national census should incorporate the Washington Group Short Set of Questions on Disability, and efforts should be made to review the census questionnaire in consultation with persons with disabilities and their representative organizations. Steps should also be taken to ensure the participation of persons with disabilities in the process of devising a new constitution to replace the transitional constitutional arrangement established following the adoption of the Comprehensive Peace Agreement in 2005.

13. He was confident that the issues he had raised would prompt a discussion that would help to establish how the Government, civil society and development partners could work in partnership to promote the rights of persons with disabilities in the Sudan. He looked forward to a constructive dialogue on the efforts made by the State party in that regard so as

to ensure that persons with disabilities could play a full and active role in Sudanese society in the future.

Articles 1–10

14. **Mr. Tatić**, recalling that the Sudan had availed itself of the technical assistance offered by the Committee in the drafting of its new Persons with Disabilities Act, said that the delegation might comment on the experience so that the Committee could benefit from lessons learned. He would be grateful for an update on the *Al-Radi Hassan Al-Radi et al. v. the Ministry of Justice* case, and asked whether the plaintiffs had since been employed by the Ministry. He would also welcome updated information on the number and outcomes of complaints submitted in relation to disability-based discrimination, especially those concerning the denial of reasonable accommodation and intersectional discrimination against women and girls or members of different ethnic groups with disabilities. He would be interested to hear about measures taken to ensure the accessibility of safe houses and support services for women and children with disabilities who had been exposed to violence. He would also like to know about any particular measures to alleviate the increased poverty faced by women and girls with disabilities. Lastly, he would appreciate information on accessibility for wheelchair users visiting the country, including support services at the airport and the accessibility of public transport, hotels and government buildings.

15. **Mr. Alsaif**, noting that paragraph 28 of the State party report referred only to prosthetic aids, said that he would welcome additional information on reasonable accommodation. He would appreciate further details concerning the specific amendments that had been made to various pieces of legislation to bring them into line with the Convention, as well as about public awareness-raising campaigns on the Convention, how accessibility standards were enforced and whether there were penalties for non-compliance.

16. **Mr. Martin** said that he would appreciate information on any awareness-raising campaigns on the Convention, whether they were in line with the human rights-based approach, and whether organizations of persons with disabilities were involved in planning and implementing them. He would be interested to know whether persons with intellectual disabilities participated in organizations of persons with disabilities.

17. **Mr. Langvad** asked whether discrimination on the grounds of disability was prohibited and sanctioned, and whether denial of reasonable accommodation was considered a form of discrimination, under the 2017 Persons with Disabilities Act. If not, were there any plans to remedy the situation? He would be interested to hear about efforts to address intersectional discrimination, and whether there were any plans to specifically include women and girls with disabilities in general programmes, strategies and policies for women and girls.

18. **Mr. Kim** Hyung Shik said that he would be grateful for information on measures in place to monitor the implementation of various plans and legislation, including the Persons with Disabilities Act and the National Plan to Combat Violence against Women.

19. **Mr. Ishikawa** said that he would be interested to know whether any research had been conducted on the situation of women and girls with disabilities in the Sudan. Had the Convention been translated into any of the country's many local languages and was any mechanism in place to monitor the portrayal of persons with disabilities by the media and to raise awareness among media professionals? He would welcome information on efforts to promote the accessibility of information and communication technology and on how compliance with accessibility standards was ensured.

20. **Mr. Basharu** said that the delegation should comment on any plans to eliminate the use of derogatory language to describe persons with disabilities in the State party, in line with the Convention. He would welcome information on efforts to combat the intersectional discrimination and violence faced by women and girls with disabilities, particularly in conflict zones, as well as opportunities available to girls with disabilities to receive an education and economic welfare packages and not to be stereotyped on account of cultural practices and beliefs. He would be interested to know the percentage of children with disabilities in the children's parliaments and about the weight given to children's views in

decision-making. Noting that awareness-raising seemed to have largely been left to organizations of persons with disabilities and NGOs, he wondered what the Government was doing in that area, including to ensure the positive portrayal of persons with disabilities in the media.

21. **Mr. Chaker** said that he would welcome information on measures taken to protect the right to life of persons with disabilities, specifically to protect persons with albinism against death and expulsion, and to raise public awareness of such practices.

22. **Mr. Buntan** said that he would be interested to hear about measures taken by the Government to support the active participation of organizations of persons with disabilities in decision-making processes, including in the formulation, implementation and monitoring of policies and laws. He would appreciate information on any complaints filed for the violation of the rights of persons with disabilities, including disability-based discrimination. He wished to know what steps were being taken to ensure compliance with accessibility standards by public and private entities, including the imposition of penalties.

23. **Mr. You** Liang said that, while he welcomed the fact that organizations of persons with disabilities were involved to a certain extent in discussions on the implementation of the Convention, he would like to hear more about whether such participation was truly effective and whether the Government provided financial support to that end. He wished to know whether there was an effective mechanism in place for litigation, compensation and redress in cases of disability-based discrimination. He would be grateful for information on efforts to ensure that disability issues were publicized on the basis of a human rights approach rather than a charity-based model, with a focus on the potential and capabilities of persons with disabilities.

24. **Mr. Kabue** said that he would be interested to hear about the powers of the Advisory Council on Human Rights in dealing with complaints of disability-based discrimination. He would appreciate information on plans to properly institutionalize legal assistance for persons with disabilities whose rights had been violated rather than relying on voluntary arrangements entered into by the Bar Association and the National Council for Persons with Disabilities. He wished to know what efforts were being made to ensure that women with disabilities were included as part of the wider women's movement. He wondered what role organizations of persons with disabilities played in awareness-raising efforts and decision-making, and whether the Government recognized that organizations of persons with disabilities were those that were composed of and managed by persons with disabilities themselves, and not organizations that provided services to persons with disabilities.

25. **Mr. Babu** said that he would be grateful for detailed information on the action plan and timeline for bringing national legislation into line with the Convention, and how persons with disabilities would be effectively involved in that process. The registration criteria for organizations of persons with disabilities should make it clear that there was a requirement that persons with disabilities must constitute the majority of the staff, the board and the volunteers at all levels.

26. **Mr. Pyaneandee** said that he would be interested to know about the budgetary allocations for implementation of the Persons with Disabilities Act and related policies.

27. **Mr. Parra Dussan** said that he would be grateful for information on the level of participation of organizations of persons with disabilities in decision-making processes and its impact. He wished to know whether awareness-raising campaigns were based on a human rights approach, under which persons with disabilities were seen as rights holders.

28. **The Chair** said that she would like to know what was being done to tackle the problem of children with disabilities being hidden by their families and prevented from participating in social life.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

29. **Mr. Agame** (Sudan) said that statistics and other information concerning persons with disabilities were available for each of the 18 Sudanese provinces. A table showing the percentage of persons with disabilities in each province had also been produced. He

admitted, however, that more detailed and updated information was required. The higher percentage of persons with disabilities in some provinces, such as Darfur, was largely attributable to armed conflicts.

30. Penalties were prescribed for offences committed against persons with disabilities, and victims could also claim damages. The regulations were derived primarily from common law and the Islamic sharia.

31. He noted that his delegation's next speaker, Mr. Atmouri from the Ministry of Justice, was blind.

32. **Mr. Atmouri** (Sudan) said that awareness-raising programmes had been conducted in partnership with civil society organizations both before and after ratification of the Convention. They had been financed by the British organization Action on Disability and Development (ADD). Awareness-raising events had also been held in the National Assembly for both the legislative and executive branches.

33. With regard to cooperation with NGOs, there were four federations for persons with disabilities: the National Federation of Persons with Motor Disabilities; the National Federation of Blind Persons; the National Federation of Deaf Persons; and the National Federation of Persons with Intellectual Impairments. The first three were run by their members and the fourth by members' families. Their advice was sought on all State programmes, laws and regulations. Representatives of the four federations and the Secretary-General of the National Council for Persons with Disabilities had also been present when the Convention had been discussed in the Council of Ministers. They were also consulted by the committees established to discuss other relevant legislation and policies.

34. Women with disabilities were strongly represented in NGOs acting on behalf of persons with disabilities. They had also helped to formulate the National Policy on Violence against Women (2016–2031). Women with disabilities attended meetings of parliamentary committees and the committee dealing with issues relating to persons with disabilities was chaired by a visually impaired woman. Action was taken to promote their involvement in executive, legislative and policymaking bodies and in elections.

35. Persons with disabilities served as anchors or presenters of a large number of radio and television programmes that dealt with issues of relevance to persons with disabilities. Mainstream channels also had special programmes to mark the International Day of Persons with Disabilities.

36. Awareness-raising programmes had greatly assisted in combating negative stereotypes. All institutions at State level now took effective action to respond to the needs of persons with disabilities, who were also employed as staff or public officials. In addition, the welfare-based approach was being replaced by a rights-based approach.

37. With regard to accessibility, a special lift enabled persons with disabilities to move freely on arriving at the airport. Some but not all hotels had also been rendered accessible. Impediments still existed, however, in public transport vehicles and in many public buildings throughout the country. A bill on accessibility had recently been adopted by the Council of Ministers but it had not yet been endorsed by the National Assembly.

38. The services of sign language interpreters were used for some but not all television programmes.

39. The Arabic version of the Convention had been disseminated widely with the assistance of Action on Disability and Development (ADD), the Jasmar Human Security Organization and the Abrar Organization for the Development and Care of Persons with Disabilities. An audio recording had been produced for blind persons, but unfortunately it had not yet been printed in Braille. The Convention was also disseminated in the country's three main dialects.

40. **Mr. Mohamed** (Sudan) said that the 2009 Persons with Disabilities Act had been repealed because it had been drafted prior to the ratification of the Convention. In-depth consultations, primarily with persons with disabilities, had been held on the 2017 Act and the drafters had endeavoured to ensure that it closely reflected the text of the Convention.

41. The Civil Transactions Act specified the procedures whereby persons who faced impediments to their legal capacity could seek remedies throughout their lives. Hence there was no question of non-recognition of their legal capacity. On the contrary, the Act specified the procedures for safeguarding their interests and for lodging complaints.

42. The High Committee that was drafting the new constitution included persons with disabilities. The Council of Ministers was currently discussing ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

43. Five of the seven plaintiffs involved in the Constitutional Court case *Al-Radi Hassan Al-Radi et al. v. the Ministry of Justice* were now employed by the Ministry of Justice.

44. A rights-based approach was adopted in all policies, plans and programmes on behalf of persons with disabilities, who participated in their formulation in accordance with the slogan "Nothing About Us Without Us". Persons with disabilities accounted for at least 50 per cent of the members of the National Council for Persons with Disabilities, and the principle of gender parity was also respected. As already mentioned, three national federations were composed of and run solely by persons with disabilities. Other organizations offered relevant services but were not entirely composed of or run by persons with disabilities. A third category consisted of organizations that promoted their interests but were not composed of or run by persons with disabilities.

45. A total of 23 laws had been amended to align their provisions with the Convention.

46. High priority was accorded to the integration of women into all public institutions. For instance, the Unit for Combating Violence against Women and Children included a woman with a disability among its members.

47. Studies concerning discrimination against women and children with disabilities, and on procedures for raising awareness and combating such discrimination, had been undertaken by research organizations.

48. Certain building standards were applicable to all buildings, but they were not specifically designed to meet the needs of persons with disabilities. Failure to comply with existing standards amounted to a breach of the building code, which prescribed many penalties. However, violators were offered a grace period to ensure proper accessibility.

49. Measures had been taken to prevent the use of derogatory terminology in the media and in various dialects when referring to persons with disabilities. For instance, awareness-raising campaigns in local dialects had been broadcast for the purpose.

50. There had been no cases involving the protection of the rights of persons with albinism in the Sudan.

51. Federations and organizations of persons with disabilities were given access to certain premises by the Government in order to conduct awareness-raising campaigns.

52. A memorandum of understanding had been signed with the Bar Association on the provision of legal aid to persons with disabilities.

53. The 2017 Persons with Disabilities Act defined persons with disabilities as persons who were born with or who suffered a full or partial impairment of their physical, intellectual or sensory capabilities that would prevent them from fully surmounting various barriers.

54. A number of laws prescribed severe penalties for persons who abused children with disabilities. The General Department for the Family in the Ministry of Welfare and Social Security had developed a guide for families on how they should interact with children or other family members with disabilities.

55. **Mr. Agame** (Sudan) said that there was a major debate in the Sudan on whether persons with intellectual impairments should be granted the same rights as other members of society, for instance political rights, the right to control other persons and the right to drive a car. The diversity of views on the matter had impeded efforts to guarantee equal rights and duties for the persons concerned.

56. **Mr. Magzoub** (Sudan) said that article 31 of the Constitution stipulated that all persons were equal before the law and that they should not be subjected to discrimination on a range of grounds. The grounds did not include disability, but article 45 stipulated that the State should guarantee to persons with special needs the enjoyment of all rights and freedoms enshrined in the Constitution, especially respect for human dignity, access to education and employment, and full participation in society.

57. The Advisory Council on Human Rights was an interministerial body, headed by the Ministry of Justice and attached to the Office of the President, whose mandate was to issue binding legal advice to other government entities. Compliance was ensured through the assignment of legal advisers to all departments and, where necessary, through legal action. Another outcome of the restructuring of the Ministry of Justice was the expansion of the legal aid office. The public prosecution service was a separate body, but criminal cases brought by the Ministry were subject to legal aid. The concealment, abandonment or neglect of a child with disabilities by the family was a criminal offence. Training and awareness-raising efforts were under way to remove the stigma attached to disability that tended to motivate such treatment.

58. **Mr. Mohamed** (Sudan), referring to an observation by the Committee that the statistics on persons with disabilities were outdated and restricted, said that the Central Bureau of Statistics, together with a technical committee, had developed forms that would be used for the 2018 census. The National Council for Disabilities had lobbied to have a question on disability included in the forms based on the work of the Washington Group on Disability Statistics. The new forms would take into account the causes of disability and would give the authorities a more comprehensive picture of the situation of persons with disabilities in the country, including women and children.

59. **Mr. Salih** (Sudan) said that there were a number of government programmes designed to empower women, including those with disabilities. One example was the family bank, which granted loans to women.

60. **Ms. Saeed** (Sudan) said that the Sudan had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and had adopted a legal definition of the worst forms of child labour. In addition, the National Council for Child Protection had been established pursuant to the Children's Act, which was one of the most sophisticated pieces of legislation in that field in the world and took into account all the provisions of the Convention on the Rights of the Child, including the ban on corporal punishment. Homes had been set up to accommodate children with disabilities from birth, though fostering by members of the extended family was encouraged. Abuse cases could be reported to the National Council or to the children's hotline.

61. There were a number of programmes to support persons with disabilities, including grants for entrepreneurial endeavours enabling them to meet their needs and those of their families. Prosthetics were available free of charge and bespoke vehicles could be imported duty free. Efforts were made to disseminate the Convention and raise public awareness, including about the rights of women with disabilities. The Ministry of Welfare and Social Security had set up a unit to address all forms of violence against women, including those with disabilities. The Sudan had a children's parliament that was accessible for all children; its members took part in international events on a regular basis. The National Council for Persons with Disabilities was active in various forums, including government advisory bodies, and had a voice in relevant decisions.

62. **Mr. Agame** (Sudan) said that the Sudan took a holistic, human rights-based approach to disability and had begun to mainstream disability in its policies. The fact that some members of the delegation had a disability was evidence that the Sudan strived to facilitate the participation of persons with disabilities in public life.

63. **The Chair** said that she commended the diversity of the State party's delegation.

Articles 11–20

64. **Mr. Rukhledev** said that he welcomed the State party's work on developing a sign language dictionary and a dictionary of legal terms in sign language. He wished to know

whether sign language interpretation was provided before and during judicial proceedings and, if so, what training interpreters received and how they were accredited. It would be helpful to know whether any steps were taken to provide persons with disabilities with information, in accessible formats, on what actions to take in an emergency.

65. **Mr. Tatić** said that he would appreciate information on the accessibility of the courts.

66. **Mr. Ruskus** said that the practice involving the institutionalization of individuals deemed not to be in full possession of their mental faculties, as described in paragraph 26 of the replies to the list of issues, was contrary to the Convention. Accordingly, he would appreciate the delegation's comments on how many people were committed to hospital pursuant to article 49 of the Criminal Code per year and whether there were plans to align the Code with the Convention.

67. **Mr. Kim** Hyung Shik asked what measures were in place to ensure that all the legal provisions dealing with female genital mutilation were effective deterrents. For example, had a monitoring mechanism been established?

68. **Mr. Basharu** asked what training in mobility skills was available for blind persons and whether street crossings in the State party were equipped with audible signals.

69. **Mr. Chaker** said that it was frustrating that such a shameful practice as female genital mutilation should still be an issue in 2018, despite its well-documented harmful effects. He would be very grateful for information on the prevalence of the practice in the State party.

70. **Mr. Buntan** asked what steps had been taken to make the children's hotline accessible for children with disabilities, particularly deaf children. Given the country's history of armed conflict and its role as host to thousands of refugees, he wished to know whether a comprehensive national plan or policy had been adopted, in consultation with organizations of persons with disabilities, to ensure the protection and safety of persons with disabilities, including refugees, and whether the resettlement strategy took account of accessibility requirements. Noting a discrepancy between the law and practice in terms of the legal capacity of persons with mental disabilities, he said that he would appreciate information on how the rights of those deemed by the authorities to lack mental capacity were protected, whether that protection entailed substitute decision-making or guardianship and, if so, whether the State party intended to move away from that model.

71. **Mr. Martin** asked whether families, government officials and members of the judiciary received training in supported decision-making and whether all persons with disabilities were involved in the training. It would be interesting to know what steps were taken to realize the right to independent living for all persons with disabilities, including those with intellectual disabilities, by providing services, resources and assistance in communities.

72. **Mr. Alsaif** asked what provisions governed the evacuation of persons with disabilities in the event of an emergency and whether ad hoc training was provided in that regard.

73. **Mr. Kabue** asked what steps were being taken to address the issue of legal capacity, which was not covered by the Persons with Disabilities Act. He wished to know how the State party prevented persons with psychosocial disabilities from being forcibly confined by traditional healers.

74. **Mr. Babu**, pointing out that the treatment inflicted on some persons by traditional healers could amount to torture or cruel, inhuman or degrading treatment, said that he would appreciate the delegation's comments on how allowing the practice to persist squared with the State party's own law and the Convention.

The meeting rose at 5.55 p.m.